

March 21, 2025

VIA ECF

Hon. Taryn A. Merkl
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Trooper 1 v. NYSP et al.*, 22-cv-893 (LDH) (TAM)
Response to Andrew Cuomo's Latest Repetitive and Harassing Letter**

Dear Judge Merkl:

Andrew Cuomo's latest frivolous letter shows again why he should not be allowed to force Lindsey Boylan into a prolonged, unbounded deposition.

Just in the past month, Mr. Cuomo has abused his infinite taxpayer funds to file three letters complaining about non-party Ms. Boylan's legitimate First Amendment speech. *See* ECF Nos. 329, 331, & 331. Two weeks ago, Mr. Cuomo also noticed his twenty-sixth subpoena aimed at Ms. Boylan, seeking irrelevant private communications about his mayoral campaign. This relentless harassment may advance Mr. Cuomo's political interests, but it has nothing to do with this case or the legitimate arguments Ms. Boylan advanced in her motion to quash her deposition.¹

Ms. Boylan's First Amendment speech bolsters, not discredits, her motion to quash. The latest salvo in Mr. Cuomo's letter-writing campaign only shows that Ms. Boylan has once again publicly opposed Mr. Cuomo's mayoral candidacy. True: as we have written before, she opposes him to "assert [her] own agency precisely because [she] [has] been subjected to [REDACTED] [.]” *See* ECF No. 326-1. For all their tedious publicly-funded relitigating, Mr. Cuomo's letters continue to refuse to seriously engage with the arguments that Ms. Boylan advanced in her February 18 response letter (ECF 326-1), in the motion to quash itself (ECF No. 315-1), and in the related reply (ECF No. 319-1). Ms. Boylan's public advocacy—her own narrative, told on her own terms, in a space she can control—is nothing like Mr. Cuomo's threatened interrogation, which will only reinforce [REDACTED]. ECF No. 326-1.

Mr. Cuomo's latest retaliatory letter also dangerously mischaracterizes Ms. Boylan's political speech. Most egregiously: Mr. Cuomo wrongly contends that, on March 13, “Ms. Boylan

¹ Mr. Cuomo also attacks Ms. Boylan for seeking relief from this Court while her moving papers remain under seal. To be clear, this Court already granted Ms. Boylan's request to file the declaration at ECF No. 305-2 under seal. Then, in compliance with this Court's January 29, 2025 order, Ms. Boylan refiled a renewed sealing request proposing “narrowly tailored” redactions to protect her highly sensitive medication information while also balancing the presumption of public access. *See* ECF No. 315. Ms. Boylan's subsequent motions to seal request the same narrowly tailored redactions. And to protect Ms. Boylan's legitimate privacy interests, the motions should be granted.

actively sought to engage with Governor Cuomo’s legal team after the fundraiser, yelling at us as we exited the building.” ECF No. 333 at 1. In fact, Ms. Boylan was one of many protestors at a Working Families Party event, expressing their political views to everyone who left the fundraiser. Mr. Cuomo baselessly suggests that Ms. Boylan instigated “a clearly preplanned stunt” at the same event, where two women with “Ms. Boylan’s group” followed Rita Glavin down the street and then engaged with her. *See* ECF No. 333 at 1. But, as Mr. Cuomo knows, the Working Families Party is not “Ms. Boylan’s group.” And the conduct of two other activists—which Ms. Boylan only learned about after the fact—had nothing to do with Ms. Boylan. In sum, Mr. Cuomo’s smears and insinuations that Ms. Boylan has somehow deliberately put herself in situations “designed to physically encounter” and “accost” Mr. Cuomo and “even his legal team” are just wrong. ECF No. 333 at 1.

This is more vexatious legal bullying. To reduce any further financial and emotional burden on a non-party witness, this Court should order Mr. Cuomo not to file any more letters about Ms. Boylan without the Court’s advance permission.

Sincerely,
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